



1191146

RE: Confidential: Viability of targeted listing in the Upper Animas Watershed

William Simon to: Forrest.Sabrina, pbutler, fearneng

11/05/2008 06:20 PM

From: "William Simon" <wsimon@frontier.net>

To:

Sabrina, I support your giving this matter another try although I don't think the response will be too encouraging. Many, but not all, think digging around, even for specific "listing" data could significantly injure future mining possibilities. Bev Rich, upon returning from the Butte conference, said "wow, you sure can tell Butte is a Superfund town" stating our community is so much more involved with all aspects of the projects, particularly setting the direction. Personally I think EPA should be spending it's resources encouraging our independence and bottom up management as an alternative to the superfund 'opportunity'. EPA has done this in the past, started by Bill Yellowtail and supported by Ms Russell and yourself, and we hope that continues.

I would like to invite your manager to come up and hear our concerns first hand. Bill

-----Original Message-----

From: Forrest.Sabrina@epamail.epa.gov

[mailto:Forrest.Sabrina@epamail.epa.gov]

Sent: Wednesday, November 05, 2008 12:33 PM

To: pbutler@wildblue.net; wsimon@frontier.net; fearneng@rmi.net

Subject: Confidential: Viability of targeted listing in the Upper Animas Watershed

Hi all, I am seeking input and support from you all on a task my manager has given me that I won't be able to ignore. I have been struggling a bit on how to put this out to you.

I have been tasked to find out if Superfund listing is even a realistic option anymore given the cleanups that have taken place in various parts of the watershed. Knowing some ARSG parties' and county members' views, I want to reiterate that with targeted listing, there is still the potential for cleanup and re-mining/active mining to take place concurrently. Generally, if there are areas amenable to mining in an environmentally sound manner, EPA will be supportive of that. However, if there are waste piles and waters that are still impacting overall water quality and the downstream targets, AND the community wants them addressed but has no means to address them, then Superfund could have a role. However, listing will NEVER happen without community input, support, and a governor's support letter.

Essentially, I am asking that I be able to bring this topic back to the ARSG table for discussion in November. I will have to let people know that I can't ignore this; that I am being asked to begin looking at available source data, surface water/sediment data, fisheries and other target data, and attribution to possible source(s) to determine if a targeted area would score preliminarily above 28.5. I have not looked at any Animas watershed data with Hazard Ranking System eyes yet either. Also, I don't know if the remediation of some areas has created significant data gaps, or if it might be that the source and target data

are too old to reliably put a defensible HRS score together. Realistically, I don't know if I have the time to put the data together, but would likely assign this to an HRS-expert with the URS staff and bring him to meet you all and see the area. I believe the upper Cement Creek sites are still the worse issues with regard to water quality improvements at the A72 compliance point and below, but as I have said in my targeted listing talks, the effects seen downstream have to be attributable to the sites/sources you want to target for cleanup. That needs serious data and evaluation to say with confidence, and so I think this is a wise outlay of resources on the front end. If listing is not viable, time and money can be put toward finding other solutions. This management need is based primarily on planning needs, for staff and cleanup resources, and annual requests for funds. They need to forecast what sites and how many in our region might get proposed to the NPL for the next few years to see if we have a significant queue started that will cause problems with actually getting money into the communities for cleanup. They also have to talk to the states about possible listings because the eventual O&M issues for those states that approve of moving sites forward in the listing process. Due to their need, doing this work also makes sense to me.

I sincerely apologize but must reiterate that this does not mean Superfund is coming to the watershed. It just means that I need to spend some resources seeing if listing is even viable. A benefit of this is that we will know if listing could be a possible funding source for water treatment, or if water treatment will be up to landowners and a consortium to sort through.

I look forward to your thoughtful input.

Sincerely,

Sabrina Forrest

Site Assessment Manager

U.S. Environmental Protection Agency

1595 Wynkoop Street, Mail Code: 8EPR-B

Denver, CO 80202-1129

Direct Ph: 303-312-6484

Toll Free: 1 800-227-8917, 312-6484

E-mail: forrest.sabrina@epa.gov

NOTICE: The information contained in this e-mail is intended only for the use of the recipient(s) named above. This message and any attachments may contain confidential or privileged information. If the reader is not the intended recipient or an agent responsible for delivering it to the intended recipient, you have received this document in error and any review, dissemination, disclosure, distribution, use, or copying of the contents of this message is strictly prohibited. If you have received this communication in error, please notify me immediately by e-mail or telephone and destroy all copies of the original message and any attachments.

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.549 / Virus Database: 270.8.6/1769 - Release Date: 11/5/2008 7:17 AM

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.549 / Virus Database: 270.8.6/1769 - Release Date:

11/5/2008 7:17 AM